

1 Similarly, the Ninth Circuit has recognized that a district court is not required to review a magistrate
2 judge's report and recommendation where no objections have been filed. See United States v. Reyna-
3 Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court
4 when reviewing a report and recommendation to which no objections were made); see also Schmidt v.
5 Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-
6 Tapia as adopting the view that district courts are not required to review "any issue that is not the subject
7 of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then this Court
8 may accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting,
9 without review, a magistrate judge's recommendation to which no objection was filed).

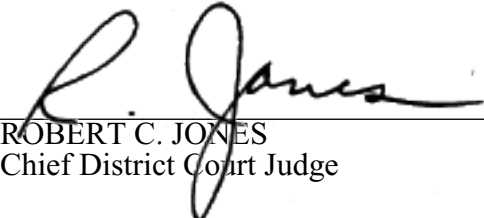
10 In this case, there have been no objections filed to the Magistrate Judge's Report and
11 Recommendation. Although no objection was filed, this Court has reviewed the Report and
12 Recommendation (#34) and accepts it. Accordingly,

13 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's due process and
14 negligence claims (#21) is GRANTED.

15 IT IS FURTHER ORDERED that Plaintiff's Motion for a Temporary Restraining Order (#17)
16 is DENIED AS MOOT.

17 IT IS SO ORDERED.

18 DATED: This 31st day of January, 2012.

19
20
21 
22 ROBERT C. JONES
23 Chief District Court Judge
24
25
26
27
28